

FBI Friction Ridge Discipline Procedures for Disagreements and Consensus Panels in Technical Casework

1 Purpose

While conducting examinations, examiners will, on occasion, reach differing conclusions. The difference of opinion is viewed as an opportunity to generate discussion and learning among examiners within the discipline. Within casework, a resolution to such disagreements and discussion is necessary, and a process is needed to derive a reportable conclusion. This document establishes the procedures for addressing such disagreements

The Consensus Panel process may provide a mechanism to assist in determining a technical conclusion in a comprehensive and transparent manner for complex examinations. Section 4 of this document includes the procedure modifications that will allow the implementation of this concept in accordance with the approved initiative.

2 Scope

These procedures apply to Laboratory personnel who conduct friction ridge print examinations and are involved in a technical disagreement in casework after a quality check (e.g., verification) or review (e.g., Supervisor or digital image(s)), but do not apply to consultations as defined in the FBI Friction Ridge Discipline, Standard Operating Procedures for Examining Friction Ridge Prints.

These procedures apply to Laboratory personnel who use the Consensus Panel process outside of a disagreement in accordance with the approved initiative.

3 Disagreement Procedures

3.1 The disagreement procedures will be initiated when the First Party and the Second Party differ on a conclusion (including anatomical origin and suitability for comparison) after a quality check or review (e.g., verification, Supervisor review, review of digital image(s)).

3.1.1 The Consensus Panel process will be monitored by a Supervisor and/or Technical Leader. A Program Manager/Coordinator may perform the duties of a Supervisor if approved by a Unit Chief.

3.2 Once the disagreement procedures are initiated, the applicable information will be recorded by the appropriate tracking method and/or in the *Consensus Panel Report* until these procedures are complete. All relevant information, such as case notations, narratives, and marked or unmarked images, in addition to the *Consensus Panel Report*, will be retained in the case record. The case record will detail the progression of the steps and the date(s) involved.

3.3 Throughout the disagreement process, the parties will meet in a manner to prevent accidental dissemination of information concerning the disagreement.

3.4 All discussions will be limited to the parties involved. The Supervisor will only provide guidance on the disagreement process and refrain from any technical discussion of the examination or conclusion.

3.5 Initial Discussion(s)

3.5.1 Following notification of a differing opinion from a Supervisor(s), the First Party and the Second Party will meet to discuss their conclusions. The two parties will share their points of view and reasoning and may choose to use markings or other notations to support their opinions.

3.5.2 The two parties must meet at least once but no more than two times to attempt to resolve the disagreement. Time extensions or additional attempts may be approved by a Supervisor or the Technical Leader and will be recorded in the case record.

3.5.3 At any time during the discussions, either party may request from a Supervisor the presence of a Facilitator, whose role will be to aid the discussion between the two examiners. Prior to participation, a Facilitator will successfully complete training on facilitating a conversation. The Facilitator will help the examiners develop a strategy that may lead to a mutual decision. For example, the Facilitator will seek to give equal speaking opportunities to both parties and prevent monopolization of the discussion by one party. They may assist an uncommunicative examiner by prompting conversation with questions or statements or recommend that the disagreement process move to a Consensus Panel.

3.5.3.1 The Facilitator will not examine the print(s) or image(s) nor will he/she have a technical opinion of the examination. In addition, the Facilitator will report concerns such as inappropriate behavior to the appropriate Supervisor(s) or Unit Chief(s) as warranted.

3.5.3.2 The identity of the Facilitator will be recorded in the case record.

3.5.4 The two parties will reach a resolution or request a Consensus Panel within seven calendar days from the notification of the disagreement. If the disagreement is resolved, the conclusion will be recorded in the case record and all relevant information, such as case notations, narratives, and marked or unmarked images, will also be retained in the case record. If the parties cannot resolve the disagreement, the First Party is responsible for requesting a Consensus Panel by notifying a Supervisor.

3.5.5 Prior to requesting a Consensus Panel, the First Party and the Second Party are expected to have produced digital image markups of their Analysis, Comparison, and Evaluation decisions, as applicable, using a Green-Yellow-Red-Orange marking system. A written explanation may also be included with the image to explain the markings or thought process. Previous markups may be used, provided the appropriate information is included. The marked

images and any written explanations from both parties will be provided to the Supervisor upon notification of the need for a Consensus Panel.

3.6 Consensus Packet

3.6.1 The Supervisor will prepare a Consensus Packet containing the following, as applicable:

3.6.1.1 both the original and digitally processed image(s) to include known records, with all examiner and case information redacted to minimize contextual bias. The image(s) will be prepared and stored outside of any digital image retention system (i.e., Adams Web).

3.6.1.2 only known records directly related to the disagreement in question are necessary; however, all such records will be provided. Any existing records that were not used in the disagreement do not need to be provided. For example, if the disagreement involves only the right palm print of an individual, all recordings of the right palm used in the discussions will be provided, but the ten print card is not required.

3.6.1.3 the marked images and written explanations from the First Party and Second Party.

3.6.1.4 completed applicable areas of the *Consensus Panel Report*.

3.6.2 Consensus Panel Request

The Technical Leader will be made aware of the need for a Consensus Panel and the Supervisor will ensure the Consensus Packet is provided. Once the Consensus Packet has been given to the Technical Leader, the Technical Leader will be responsible for updating the appropriate tracking method. Once notified of a request for a Consensus Panel, the Technical Leader will inform the appropriate Section Chief in writing and retain the communication.

3.7 Consensus Panel

3.7.1 Consensus Panel Members

The Consensus Panel will consist of three friction ridge print examiners selected by the Technical Leader from the Latent Print Operations Unit, Scientific and Biometrics Analysis Unit, and/or Latent Print Support Unit.

To aid objectivity and impartiality, a Consensus Panel member must have no prior knowledge of the examination or relevant case details involved in the disagreement.

3.7.2 Consensus Panel Formation

The Technical Leader will confer with an examiner's Supervisor or Unit Chief to determine if they can participate as a member of the Consensus Panel and notify the members of the

selection. If a member is unable to participate, they will notify the Technical Leader as soon as they are aware of any conflict/issue that would prevent them from serving on the Consensus Panel.

3.7.3 Consensus Panel Meeting Preparation

3.7.3.1 Each member of the Consensus Panel will be provided with the redacted images and knowns, as applicable. Additional technical information such as the surface, item type, process used, and specific area of Comparison, if known, may be provided as needed.

3.7.3.2 The Technical Leader will notify the Consensus Panel members of the meeting date, time and location. Any problems with logistics will be communicated to the Technical Leader as soon as practicable.

3.7.3.3 Prior to the meeting, each member of the Consensus Panel will conduct the appropriate examinations on the prints in question per the FBI Laboratory Friction Ridge Discipline Standard Operating Procedures for Examining Friction Ridge Prints. They will use a Green, Yellow, Red, and Orange marking system to record their examination of the conducted Analysis and/or Comparison. In addition, a written explanation may be included. The panel member is encouraged to focus on gathering data from the Analysis and Comparison examinations and avoiding a definitive Evaluation decision.

3.7.3.4 The Consensus Panel members are not permitted to consult with any examiner, including each other, concerning the examination.

3.8 Consensus Panel Meeting

3.8.1 On the day and time designated by the Technical Leader, the Consensus Panel members will convene for discussion and determine the consensus recommendation(s). They may discuss and note any caveats, limitations, and concerns with the examination. The panel will complete the relevant sections of the *Consensus Panel Report*.

3.9 Consensus Panel Recommendation(s)

3.9.1 Once the Consensus Panel has reached a consensus recommendation(s) or two hours have passed, the Technical Leader will join the meeting. The Technical Leader may give the group additional time as warranted and will note the addition in the panel report. The members will present their recommendation(s) or those factors impacting why a recommendation(s) has not been reached, to include Analysis or Comparison markings, caveats, limitations and concerns (e.g., automated search or specific print area concerns).

3.9.2 Upon hearing and reviewing the information provided by the Consensus Panel, the Technical Leader may provide additional data (e.g., marked images prepared by the original two parties, knowledge that the print was from an automated search that they feel may benefit the panel. The Technical Leader may also obtain additional information from any parties, as needed.

The Technical Leader and the Consensus Panel will discuss what effect, if any, the information would have on the Consensus Panel recommendation.

3.9.3 After the discussion is completed, the final Consensus Panel recommendation(s) will be determined and recorded on the *Consensus Panel Report*. If the Consensus Panel was unable to reach a consensus, they may document their recommendation(s) individually. Each member of the Consensus Panel will record approval of the recommendation(s) through the *Consensus Panel Report*. All records generated by the Consensus Panel members, including all markings, will be given to the Technical Leader.

3.10 Reported Conclusion(s)

3.10.1 The Technical Leader will use the recommendation(s) from the Consensus Panel, factors in the disagreement, and inherent risk to determine the reported conclusion to be issued by the FBI Laboratory. The First Party, Second Party, or the Technical Leader, as appropriate, will issue the reported conclusion with wording referencing the use of a Consensus Panel (Appendix B). The individual issuing the reported conclusion must support the conclusion reached as a result of the Consensus Panel process. By completing the disagreement process, the Friction Ridge Discipline is confident that the Consensus Panel process resolution is supported and the reported conclusion represents the best decision for the case from the FBI Laboratory's perspective.

3.10.2 The reported conclusion will not undergo any further quality checks (i.e., verification, blind verification) beyond technical and administrative review, prior to release to the contributor. Expedited result(s) may be released in accordance with the FBI Friction Ridge Discipline Quality Manual, Laboratory Reports, Reviews, and Retained Records.

3.10.3 The Technical Leader will compile all information generated during the disagreement process, to include all markings, records, and the completed *Consensus Panel Report*, to be retained in the case record.

3.11 Case Follow Up

3.11.1 The Technical Leader will review the case record to determine if the First Party and/or Second Party may require follow up actions as a result of the disagreement. The Technical Leader will refer to the FBI Laboratory Operations Manual, Practices for Addressing Nonconformity, as applicable.

3.11.2 Once the reported conclusion has been determined, the Technical Leader will meet individually with the First Party and Second Party and their respective Supervisor(s) to discuss the decision and any further outcomes from the disagreement process.

4 Using Consensus Panel Process in Non-Disagreement Situations

Per an initiative, the Consensus Panel process can be used for a complex examination in a non-disagreement situation.

4.1 Tracking and Deadlines

4.1.1 Use of the consensus panels will not be tracked in the same manner as disagreements but the Technical Leader will ensure that appropriate records are retained to track the use and outcome of the Consensus Panel process. The supporting records will be retained within the case record.

4.1.2 Due to the nature of the Consensus Panel process, no deadlines will be needed.

4.2 Prerequisites

4.2.1 An examiner must have a documented consultation prior to requesting a consensus panel that covers the examination that will be submitted for panel review.

4.2.2 Prior to submission, the examiner must generate the following packet of information:

4.2.2.1 complete Analysis of the print(s) and if a Comparison is involved, separate comparison mark-ups, using the Green, Yellow, Red, and Orange marking system.

4.2.2.2 a detailed written explanation of the Analysis and/or Comparison to include the specific reason for the request of a Consensus Panel, and

4.2.2.3 the *Consensus Panel Report* with Section A completed. (Note –data in the *Consensus Panel Report* associated with disagreements will be ignored under this initiative.)

4.2.3 The packet will be submitted to the Technical Leader, a technical reviewer, or supervisor for review. The examiner's immediate supervisor will be made aware of the request.

4.2.3.1 The request and supporting records will be reviewed by the Technical Leader, a technical reviewer, or supervisor to ensure the request requires a panel. The reviewer may consult as needed to determine if an examination is suitable for the Consensus Panel process. The individual reviewing the request may be a consultant on the examination.

4.2.4 If the request is found to be suitable for the Consensus Panel process, the review approval and packet of information will be submitted to the Technical Leader and the requestor notified. If the Technical Leader is the reviewer, they will notify the requestor.

4.2.4.1 If the request is found to not be suitable for the Consensus Panel process, the reviewer will provide a written explanation to the requestor. Prints may not be resubmitted unless the supporting records are significantly revised and given to the original reviewer.

The request and resulting actions to include the reason for rejection will be retained in the Communication Log. All supporting records will be retained in the case record.

4.3 Consensus Panel Process

4.3.1 The Technical Leader and all participants will follow Sections 3.7 through 3.10 to initiate, conduct and complete the Consensus Panel process. The reporting of the decision will resemble the format and wording of the disagreement consensus panels.

4.3.2 The Technical Leader may include the requesting examiner or other relevant individuals during the Technical Leader discussion with the panel, thereby allowing the examiner the opportunity to hear feedback and reasoning from the panel.

4.3.3 The Technical Leader will make the final decision on what conclusion will be issued with the requesting examiner reporting the final decision only if they agree. Otherwise the conclusion will be reported by the Technical Leader.

4.3.4 All resulting records will be retained in the FBI Laboratory file.

5 Records

The following records may be generated and/or retained as a result of these procedures:

- Disagreement resolution records and results, as appropriate.
- *Consensus Panel Report*
- Any written notifications.

6 References

FBI Laboratory Operations Manual, Practices for Addressing a Nonconformity. Federal Bureau of Investigation, Laboratory Division. Latest Revision.

FBI Laboratory Quality Assurance Manual. Federal Bureau of Investigation, Laboratory Division. Latest Revision.

FBI Friction Ridge Discipline Operations Manual, Standard Operating Procedures for Examining Friction Ridge Prints. Federal Bureau of Investigation, Laboratory Division. Latest Revision.

FBI Friction Ridge Discipline Quality Manual, Laboratory Reports, Reviews, and Retained Records. Federal Bureau of Investigation, Laboratory Division. Latest Revision.

Langenburg, G, Champod, C. "The GYRO System – A Recommended Approach to More Transparent Documentation". *JFI*. 61(4): 373-384.

Rev. #	Issue Date	History
2	10/02/17	Abbreviations and capitalization addressed throughout with minor wording changes. Initiative removed. Program Manager/Coordinator removed throughout and Unit Chief assignment of role added. Section 1, “natural event” removed. Section 3 through Section 3.5 removed and remaining renumbered. Section 3.1, minor wording change. Section 3.1.1 moved from Section 3.4 and updated. Section 3.4 information from Section 3.3 expanded. Section 3.5.2, moved statement to Section 3.5.4. Section 3.5.3, added training requirement. Section 3.5.4, added first sentence and minor wording change. Section 3.6.2, notification added. Section 3.7.1, removed pool requirement. Section 3.7.2, approval changed to confer. Section 3.7.3.1, added area of comparison. Section 3.9.1, added time extension allowance. Section 3.9.2, clarified additional information purpose. Section 3.9.3, removed GYRO so all markings are included and added option for multiple conclusions. Section 3.10.1, issuance individual support changed. Section 4 added. Document titles updated. Appendix A form updated.
3	02/01/21	Replace Latent Print Units with Friction Ridge Discipline. “Latent” changed to “friction ridge” throughout document. Minor wording, grammar, and punctuation changes throughout document. Title, Section 1, Section 2 modified for initiative. Throughout document, updated sections to clarify what is initiative and what is disagreement. Section 3.1, added clarification on conclusion. Section 3.3, generalized. Section 3.5.2, added additional attempts. Section 3.6.1.1, streamlined requirement and changed example. Section 3.6.1.2, redaction moved. Section 3.6.2, modified notification and request. Section 3.7.1, updated with Section 3.7.1.1 and Section 3.7.1.2. Section 3.7.2, modified to better reflect current process. Section 3.7.3.1, clarified provided information. Section 3.7.3.3, clarified provided markups. Section 3.9.3, broaden approval options. Section 3.10.1, clarified results point of view. Section 4 through Section 4.3.4, added to cover the initiative updated. Appendix B, modified to account for initiative.

Approval

Redacted - Signatures on File

Friction Ridge Discipline
Technical Leader -

Date: 01/29/2021

Latent Print Operations
Unit Chief -

Date: 01/29/2021

Latent Print Support
Unit Chief -

Date: 01/29/2021

Scientific and Biometrics
Analysis Unit Chief -

Date: 01/29/2021

QA Approval

Quality Manager -

Date: 01/29/2021

Appendix A: *Consensus Panel Report*

Redacted - Form on File

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Appendix B: *Reporting Wording Examples*

Remarks:

The identification with [NAME] on Item [NUMBER] was effected as a result of the Consensus Panel process. A panel of FBI latent print examiners independently reviewed the prints and then formulated a consensus of opinion [to resolve technical disagreements between two [other] examiners initially involved in the examination.]

Remarks:

An inconclusive decision on Item [NUMBER] was effected as the result of the Consensus Panel process. A panel of FBI latent print examiners independently reviewed the prints and then formulated a consensus of opinion [to resolve technical disagreements between two [other] examiners initially involved in the examination.]

Remarks:

The acceptance/rejection of image(s) [image name(s)] was determined as the result of the Consensus Panel process. A panel of FBI latent print examiners independently reviewed the image(s) and then formulated a consensus of opinion to resolve technical disagreements between two [other] examiners initially involved in the examination.